



U.S. Department
Of Transportation

**Federal Highway
Administration**

**Federal Transit
Administration**

Metropolitan Transportation Planning Certification Review Report



Rhode Island State Planning Council

August 2005

Preface

Consistent with 23 U.S.C 134(i)(5) and 49 U.S.C 5305(e), the primary purpose of a certification review is to formalize the continuing oversight and day-to-day evaluation of the planning process. The certification review process ensures that the planning requirements of 23 U.S.C. 134 and 49 U.S.C. 5303 to 5305 are being satisfactorily implemented. In a broader sense, the certification review process is a valuable opportunity to provide advice and guidance to a TMA, defined as an urbanized area with a population over 200,000, for enhancing the planning process and improving the quality of transportation investment decisions.

While the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) interact with TMA planning officials on a routine basis - reviewing and approving planning products, providing technical assistance, and promoting good practice - the formal assessment of a certification review is required every 3 years and provides an outside view of the TMA transportation planning process. It can serve as a catalyst to improve the effectiveness and efficiency of the planning process, and help ensure that the major issues facing a metropolitan area are being addressed. In addition, by identifying noteworthy practices, which can be shared with other states, MPOs, and transit operators, the certification provides an opportunity for continued progress in expanding the art of transportation planning while implementing the regulations.

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I. Introduction

On April 13, 2005 a team of Federal representatives identified in Appendix 1 conducted a Transportation Planning Certification Review of the metropolitan transportation planning process for the Rhode Island portion of the Providence-Pawtucket Transportation Management Area (TMA). The review was performed at the offices of the Statewide Planning Program (SWPP), Rhode Island Department of Administration (RIDOA) in Providence, RI. The Statewide Planning Program is staff to the State Planning Council (SPC), the MPO for the Providence metropolitan area. It should be noted that since the SPC is responsible for transportation planning for the entire State and produces a single statewide transportation improvement program (TIP) this certification review covers the transportation planning process for the entire State of Rhode Island.

Representatives from RIDOA, the Rhode Island Department of Transportation (RIDOT) and the Rhode Island Public Transit Authority (RIPTA) were present throughout the review. The Chairperson of the SPC and the Chairperson of the SPC's Transportation Advisory Committee (TAC) also participated in much of the review. Representatives from the two neighboring Massachusetts MPOs that share portions of the Providence TMA with the SPC participated as well. The Federal team also sought the input from the TAC members and the public during the regularly scheduled evening TAC meeting on March 24, 2005. Members of the Federal team also attended several public workshops held in the early months of 2005 during development of the Transportation Improvement Program (TIP). A list of all of the participants of the review is Appendix 2, the agenda for this review can be found in Appendix 3, and a summary of the public meeting is Appendix 4.

The overall finding of this joint Federal Highway Administration/Federal Transit Administration planning certification review is that the transportation planning process for the State of Rhode Island (including the Rhode Island portion of the Providence-Pawtucket TMA) meets the requirements of 23 CFR 450 and 49 CFR 613. The process is, therefore, being jointly certified.

The Federal team also has several recommendations for process improvements as summarized in this report. The findings are examined in more detail in the report.

The certification review covered the MPO's progress in implementing process improvements recommended in the last certification review in 2002, discussion of MPO representation, bi-state cooperation, land use and technical planning topics, public participation, environmental justice, air quality conformity, and financial planning.

In addition to these areas, the field staff of FHWA and FTA conducted a desk review encompassing all aspects of the metropolitan planning regulations and legislative changes from the Transportation Equity Act for the 21st Century (TEA-21). This desk review was conducted to identify other important issues that were addressed with the MPO during this certification review. The questions and responses by Statewide Planning as well as a list of documents requested by the review team are included in Appendix 5.

In conducting this planning review, the objectives of FHWA and FTA were to determine the extent to which this planning process had followed the requirements of the final Metropolitan Planning Regulations issued on October 28, 1993, as well as the changes resulting from TEA-21. An underlying objective of this planning review was to strengthen this planning process. Ultimately, however, this review served as the basis for FHWA and the FTA to determine the appropriate action to take with regard to certification of this planning process.

II. Summary of Findings, Commendations, and Recommendations

The overall finding of this joint Federal Highway Administration/Federal Transit Administration planning certification review is that the transportation planning process for the State of Rhode Island (including the Rhode Island portion of the Providence TMA) meets the requirements of 23 CFR 450 and 49 CFR 613. The process is, therefore, being jointly certified.

A. Progress Since the 2002 Review:

In general, Rhode Island has made good progress in addressing concerns raised in the last Federal certification review in 2002.

Recommendation: We again recommend that the Governor fill the two vacancies for environmental representatives on the State Planning Council as soon as possible. *Note: Prior to the issuance of the final report the Governor made appointments to these seats.*

Recommendation: RIPTA should pursue the goal of voting membership on the SPC through the State legislative process if a seat on the Council is a priority.

Commendation: The implementation of streamlined STIP amendment procedures through a written memorandum of understanding has simplified the process for all the agencies involved.

Commendation: The MPO remains active in the programming and implementation of ITS and other operational strategies that ease congestion.

B. MPO Representation, Coordination and Consultation:

Recommendation: Develop an MOU with the Central Massachusetts Regional Planning Council for areas where the Providence TMA overlaps. The MOU should identify roles and responsibilities for carrying out TMA transportation planning responsibilities for those parts of the TMA that are outside of Rhode Island. The agreement should include CMS, TIP, LRTP, and coordination as a minimum.

Recommendation: After more detailed consultation with FMCSA and appropriate public utilities bodies, RIPTA should begin planning to serve destinations across the borders in Massachusetts and Connecticut.

Recommendation: The MPO should increase the representation of the Narragansett Indian Tribe in the transportation planning process, preferably through the appointment of a Tribal representative to the Transportation Advisory Committee.

C. Functional Classification, Travel Demand Forecasting, Transit Planning, Land Use, Corridor Planning

Recommendation: Rhode Island's Congestion Management System substantially meets Federal requirements, but should include a process to evaluate the causes of congestion and a process to evaluate the effectiveness of implemented strategies and actions.

Commendation: Rhode Island's Long Range Transportation Plan contains practical and meaningful performance measures that will allow the MPO to monitor progress toward policy goals in the years to come.

D. Public Participation and Environmental Justice:

Recommendation: The review team recommends that the MPO capture the public involvement process in a user friendly, public oriented brochure that could be used to help educate members of the public as to how they can become involved in the MPO's transportation planning process. An example of such a Public Participation document is the Boston MPO's "Be Informed, Be Involved". This information could also then be available on the MPO web site. *Note: Prior to the issuance of the final report MPO staff has undertaken data collection for this project and has included this activity in the (FY '06) Unified Work Program.*

Recommendation: Transit users involvement. In cooperation with RIPTA planning staff, explore for opportunities for more direct involvement of transit users in RIPTA operations and planning activities. Involvement of the Accessible Transportation Advisory Committee, an EJ Task Force, Elderly and Disabled groups in activities like the workshops mentioned above should be explored. More formal involvement with the Accessible Transportation Committee or EJ groups should also be explored.

Recommendation: The MPO needs to include EJ analysis in the planning process at all levels and involve the EJ community in determining measures for analyzing the EJ impacts, benefit or burden, of transportation projects. Evidence of this analysis needs to be incorporated into the next update of the Long Range Transportation Plan.

Recommendation: The review team recommends that the MPO develop methods to involve members of the EJ community in determining appropriate criteria for measurement of EJ impacts. This could involve formation of an EJ Task Force or similar group to provide input into development of their program.

Additional measurement criteria might include:

- Average travel time for trips such as work trips, education trips, recreation trips etc.
- Accessibility to transit
- Average walk time or distance to a transit stop/station
- Other criteria identified as important by the EJ community

Other MPOs in the region have also been working with these issues. Boston and Hartford could provide examples of things they have tried.

E. Air Quality Planning / Conformity:

Recommendation: The Federal team has found that the procedures contained in Rule VIII result in an effective interagency process in analyzing transportation air quality conformity. We recommend that Rule VIII be submitted to EPA.

F. Financial Planning:

Commendation: The financial plan in the Rhode Island's long-range plan is a thorough and forthright discussion of the transportation funding challenges faced by the State.

G. Other Issues:

Recommendation: In order to streamline the STIP approval and amendment process, we recommend that the Governor delegate authority to approve the initial TIP and/or amendments to either the Director of Transportation or another cabinet official, such as the Director of Administration. A joint delegation to more than one official could also be considered. *Note: Prior to the issuance of the final report MPO staff recommended to the Governor that he delegate approval authority. The outcome of this recommendation is yet to be determined.*

Required Action: A list of major projects and their implementation status should be included in the TIP to comply with 23 CFR 450.324(n). This should be included in the next update of the two-year TIP/STIP.

III. On Site Review

A. Progress Since the 2002 Review

Environmental Representation: The Rhode Island Legislature passed legislation adding two representatives of environmental interest groups to the State Planning Council prior to the 2002 review. One of the representatives was to be appointed by the Governor, the other by the Speaker of the House. In 2002, neither appointment had been made and the Federal team urged that they be made. In the meantime, the voters of Rhode Island passed a constitutional amendment on “separation of powers,” which effectively made legislative appointments to boards and commissions unconstitutional. Consequently, both appointees are now the responsibility of the Governor. To date, neither appointment has been made. *Note: Prior to the issuance of the final report the Governor made appointments to these seats.*

Transit Operator Representation: The Rhode Island Public Transit Authority (RIPTA) is active in the MPO transportation planning process through the Transportation Advisory Committee (TAC) and, in fact, RIPTA often hosts the TAC meetings. The MPO provides direct and indirect assistance to RIPTA in areas such as: a transit oriented development study, a passenger survey, and the use of a Transit and Urban Transportation Focus Group as part of the preparation for the Long Range Transportation Plan (LRP). However, RIPTA is not a voting member of the MPO and again expressed (as in 2002) the desire to be one.

Because of the “grandfather” provisions of 23 CFR 450.306(f) the Federal team cannot mandate inclusion of RIPTA as a voting member of the State Planning Council. Since State law sets the membership of the Council, an act of the Legislature would be necessary to establish a seat expressly for RIPTA.

STIP Amendment Process: In 2002, FHWA and FTA recommended that the MPO, State, and transit operator develop mutually agreed upon TIP amendment procedures to streamline the process. The parties concluded a memorandum of agreement implementing new procedures that provide for differing levels of review and approval for amendments based on dollar amount, percentage of cost change, category of funds, and air quality impacts. All agreed that the new procedures have made amendments move more expeditiously without losing public involvement in truly important changes.

Intelligent Transportation Systems: Several recommendations were made in 2002 regarding MPO participation in planning for and deploying operational improvements otherwise referred to as Intelligent Transportation Systems (ITS). Rhode Island’s ITS efforts have centered around construction of a Transportation Management Center (TMC), installation of closed circuit cameras and dynamic message signs, and initiation of “511” traveler telephone information systems.

The MPO and the State have cooperated on quite a few ITS efforts. The MPO is a member of the Incident Management Task Force, was involved in the ITS Deployment Plan and development of the Regional Architecture, and prepared a joint application with the TMC for a regional collaboration grant. As part of the latest Long Range Plan update, a congestion and ITS focus group was convened to suggest goals, policies, and performance measures for the plan. TIP project evaluation criteria have also been revised to reward the use of ITS technologies.

Observation: In general, Rhode Island has made good progress in addressing concerns raised in the last Federal certification review in 2002.

Recommendation: We again recommend that the Governor fill the two vacancies for environmental representatives on the State Planning Council as soon as possible. *Note: Prior to the issuance of the final report the Governor made appointments to these seats.*

Recommendation: RIPTA should pursue the goal of voting membership on the SPC through the State legislative process if a seat on the Council is a priority.

Commendation: The implementation of streamlined STIP amendment procedures through a written memorandum of understanding has simplified the process for all the agencies involved.

Commendation: The MPO remains active in the programming and implementation of ITS and other operational strategies that ease congestion.

B. MPO Representation, Coordination, and Consultation

Regulatory Basis:

Federal regulations regarding MPO designation, composition, coordination and consultation are contained primarily in 23 CFR 450.306, 450.310, and 450.312. Highlights include:

- MPOs designated prior to December 18, 1991 remain valid unless re designated [450.306(a)];
- Voting membership for newly designated MPOs must include local elected officials, and operators of major modes of transportation [450.306(i)];
- Responsibilities of the various agencies will be identified in an agreement or memorandum of understanding [450.310(a) through (c) and 450.312(a)];
- Where more than one MPO has responsibility for a metropolitan area there shall be agreement(s) among the agencies on coordination [450.310(g) and 450.312(e)]; and

- Indian tribal governments within the metropolitan area will be involved in the planning and programming process [450.312(i)].

Observations:

Multi-State Coordination: The Rhode Island State Planning Council shares the Providence TMA with two other MPOs located in the State of Massachusetts, the Southeast Region Planning and Economic Development District (SRPEDD – Fall River, Taunton, New Bedford, and Attleboro), and the Central Massachusetts Regional Planning Commission (CMRPC – Worcester, the Blackstone Valley). The MPO has a current interagency agreement with SRPEDD, but not with CMRPC.

Statewide Planning coordinated with both agencies on Rhode Island's travel corridors visioning exercise, as well as highway functional classification changes due to Census 2000. All three agencies use the same modeling software and share modeling outputs with one another.

The SRPEDD portion of the Providence TMA contains towns that are historically “suburban Providence,” as opposed to the more rural portions of the TMA within the CMRPC boundaries. The two also share Interstate 195, a heavily traveled route between Cape Cod, Providence and points south. Consequently coordination with SRPEDD has been more thorough and frequent. The two agencies have coordinated domestic security planning (evacuation routing) and operations (ITS) planning. Statewide Planning and the CMRPC have cooperating in joint planning projects, especially with regard to the John H. Chafee Blackstone River National Heritage Corridor.

While Rhode Island does not share any TMAs with the State of Connecticut, Statewide Planning does coordinate with Connecticut DOT and the two Connecticut Regional Planning Agencies that border Rhode Island.

Recommendation: Develop an MOU with the Central Massachusetts Regional Planning Council for areas where the Providence TMA overlaps. The MOU should identify roles and responsibilities for carrying out TMA transportation planning responsibilities for those parts of the TMA that are outside of Rhode Island. The agreement should include CMS, TIP, LRTP, and coordination as a minimum.

Multi-State Transit Issue: Interstate Transit - Specifically, RIPTA has expressed interest in serving at least two destinations just across State lines in Massachusetts and Connecticut, one a commuter rail station, the other a park and ride lot served by a major employer's shuttle. RIPTA has not served these destinations out of concern that becoming an interstate carrier would subject them to the financial responsibility requirements of 49 CFR 387. As a State agency, RIPTA is self-insured within Rhode Island and does not carry commercial liability insurance.

The Federal team consulted with the Rhode Island Division of the Federal Motor Carrier Safety Administration (FMCSA). In regulatory guidance on 49 CFR 387, FMCSA states that “Federal, State or local political subdivisions” are not subject to the financial responsibility regulations.

Recommendation: After more detailed consultation with FMCSA and appropriate public utilities bodies, RIPTA should begin planning to serve destinations across the borders in Massachusetts and Connecticut.

Tribal Representation: Rhode Island has one Federally recognized Indian tribe within its borders, the Narragansett Indian Tribe. The Tribe has approximately 1800 acres of trust land in the southern part of Rhode Island. The MPO treats the Tribe as a municipality for the purposes of involvement in transportation planning. The Tribe is notified of all process schedules, public comment opportunities, and is eligible to submit projects for the TIP. The Indian Reservation Roads (IRR) program TIP for the Narragansett Tribe is incorporated in the MPO's TIP in total and without modification.

Tribal coordination has occurred in fits and starts throughout the years. The Tribe has never submitted a comprehensive plan as required by the Legislature in 1988. As a sovereign nation, the Tribe asserts that this State law does not apply to them. Consequently, the State Planning Council has been reluctant to appoint Tribal representatives to its committees. Another complicating factor has been turnover in the Tribal Planner position. Yet, in spite of this (as well as a problematic overall relationship between the State and the Tribe), the MPO and the Tribe have cooperated on several efforts, including the required revision of the Tribe's IRR inventory, and through the Local Technical Assistance Program (LTAP).

Recommendation: The MPO should increase the representation of the Narragansett Indian Tribe in the transportation planning process, preferably through the appointment of a Tribal representative to the Transportation Advisory Committee.

C. Functional Classification, Travel Demand Forecasting, Transit Planning, Land Use, Corridor Planning

Regulatory Basis:

Federal regulations require the development of a Transportation Plan as a key product of the metropolitan planning process:

“The metropolitan transportation planning process shall include the development of a transportation plan addressing at least a twenty year planning horizon. The plan shall include both long-range and short-range strategies/actions that lead to the development of an integrated intermodal transportation system that facilitates the efficient movement of people and goods.”
23 CFR 450.322 The transportation plan is to be updated every three years in non-attainment and maintenance areas to ensure its consistency with changes in land use, demographic, and transportation characteristics.

The regulation also identifies a number of required elements that must be addressed in the Transportation Plan, including:

- Demand analysis [23 CFR 450.322 (b) (1)];
- Congestion management strategies [23 CFR 450.322 (b)(2) and (4)];
- Pedestrian walkway and bicycle facilities [23 CFR 450.322 (b) (3)];
- System preservation [23 CFR 450.322 (b) (5)];
- Design concept and scope descriptions of all existing and proposed transportation facilities, in sufficient detail to permit conformity determinations in nonattainment and maintenance areas [23 CFR 450.322 (b) (6)];
- A multimodal evaluation of the transportation, socioeconomic, environmental, and financial impact of the overall plan [23 CFR 450.322 (b) (7)];
- Consideration of: the area's comprehensive long-range land use plan and metropolitan development objectives, to the extent that they exist; national, State, and local housing goals and strategies, community development and employment plans and strategies, and environmental resource plans; local, State and national goals and objectives such as linking low income households with employment opportunities and the area's overall social, economic, environmental, and energy conservation goals and objectives [23 CFR 450.322 (b) (9)];
- Transportation enhancements [23 CFR 450.322 (b) (10)];
- A financial plan that documents "the consistency of proposed transportation investments with already available and projected sources of revenue" [23 CFR 450.322 (b) (11)];
- Public official and citizen involvement (in accordance with the requirements of 23 CFR 450.316 (b)(1)), including participation during the early stages of plan development, availability of document for public review, and at least one formal public meeting in nonattainment TMAs [23 CFR 450.322 (c)];
- Conformity determination in nonattainment and maintenance areas 23 CFR 450.316 (d)];
- Copies must be provided to FHWA or FTA [23 CFR 450.322 (e)].

The purpose of this Agenda Item was to assess the Technical Capability of the MPO in conducting these planning activities.

Observations:

Functional Classification: As a result of the 2000 Census changes, the Statewide Planning has done a thorough revision of the Urban Boundaries and has carried these changes into analysis and revision of the State's roadway Functional Classification.

Travel Demand Forecasting: The updated Functional Classification information, a new road network, and updated population information has been incorporated into the Travel Demand Model and the model has been calibrated to the 2003 HPMS information. The model is a four-step Travel Demand Model using Trans Cad software. This is the same software used by the

bordering SRPEDD MPO in Southeastern Mass. It is currently being used for Traffic volume forecasting, congestion mapping and air quality conformity. Transit route information has been added and a transit element of the model will be completed in FY '06.

Statewide Planning modeling capability has improved considerably since the last review. Though still dependent upon consultants, the in-house staff's technical expertise is demonstrably improved. Statewide Planning has taken advantage of available training opportunities to improve in-house capability.

Transit Planning: Although not a voting member of the MPO, the Rhode Island Public Transit Authority (RIPTA) is active in the MPO transportation planning process through the Transportation Advisory Committee (TAC) and, in fact, RIPTA often hosts the TAC meetings. The MPO provides direct and indirect assistance to RIPTA in areas such as: a transit oriented development study, a passenger survey, and the use of a Transit and Urban Transportation Focus Group as part of the preparation for the Long Range Transportation Plan (LRP). As mentioned above, the MPO's Travel Demand Model is being updated to include a transit element.

Travel Corridors: The Statewide Planning Program has identified seven travel corridors and has begun analysis on these corridors as part of their LRP process. Initial phases have focused on extensive mapping, conducting planning workshops and public visioning sessions. The visioning sessions have resulted in vision statements issue identification of issues for each corridor. This information has been incorporated into the CMS studies, the Land Use Plan and the LRP. More detailed analysis and recommendations will require further study.

Land Use: In addition to being the MPO for transportation planning, the Statewide Planning Program is the statewide Land Use Agency. The Statewide Planning Program has undertaken a thorough Land Use Plan update and through its dual role as transportation and land use agency, has maintained good coordination between transportation and land use. The Statewide Planning Program analysis of land use scenarios includes transportation impacts.

Congestion Management System:

An effective Congestion Management System (CMS) is a systematic process for managing congestion that provides information on transportation system performance and on alternative strategies for alleviating congestion and enhancing the mobility of persons and goods to levels that meet State and local needs. The CMS results in serious consideration of the implementation of strategies that provide the most efficient and effective use of existing and future transportation facilities. In both metropolitan and non-metropolitan areas, consideration needs to be given to strategies that reduce SOV travel and improve existing transportation system efficiency. Where the addition of general purpose lanes is determined to be an appropriate strategy, explicit consideration is to be given to the incorporation of appropriate features into the SOV project to facilitate future demand management and operational improvement strategies that will maintain the functional integrity of those lanes. [See 23 CFR 500.109 (a)]

Rhode Island's CMS is model based and therefore consists of the same network as the travel demand model and is calibrated in the same manner. It was last updated as part of the update of the Long Range Transportation Plan in 2004. It includes performance indicators such as incident clearance time, travel speed, and annual delay per person. These measure were incorporated in the Long Range Transportation Plan itself. Statewide Planning has committed to producing a systemic performance report that tracks these and other performance measures at the next plan update.

The technical capabilities of Statewide Planning in the areas of functional classification, travel demand forecasting, transit planning, land use, and corridor planning are well developed and expanding.

Recommendation: Rhode Island's Congestion Management System substantially meets Federal regulations, but should include a process to evaluate the causes of congestion and a process to evaluate the effectiveness of implemented strategies and actions.

Commendation: Rhode Island's Long Range Transportation Plan contains practical and meaningful performance measures that will allow the MPO to monitor progress toward policy goals in the years to come.

D. Public Participation and Environmental Justice

Regulatory Basis:

The requirements for public involvement are set forth primarily in *23 CFR 450.316(b)(1)*, which addresses elements of the metropolitan planning process (see also *Transportation Planning Process* topic area.) Public involvement also is addressed specifically in connection with the Transportation Plan in *450.322 (c)* and the TIP in *450.324(c)*; air quality-related public involvement requirements, which pertain to the Transportation Plan and TIP, also are included in *450.322(c)* and *450.324(c)*,

Requirements related to the planning process generally are summarized in *450.316(b)(1)*, as follows:

- A proactive process
- Complete information
- Timely public notice of public involvement activities and information about transportation issues and processes
- Full public access to key decisions and time for public review and comment
- Early and continuing public involvement in developing the TIP
- A minimum public comment period of 45 days before adoption or revision of the public involvement process

- Minimum 30-day review period for Transportation Plan, TIP and major amendments in nonattainment areas classified as serious and above
- Explicit consideration and response to public input
- Consideration of the needs of people traditionally underserved by transportation systems, including low-income and minority households; consistency with Title VI of the Civil Rights Act of 1964, including actions necessary to comply with the Americans with Disabilities Act of 1990
- Periodic review of public involvement effectiveness
- Coordination of metropolitan and statewide public involvement processes

The requirements pertaining to the Transportation Plan (450.322(c)) are further elaborated as follows:

- Opportunity for public official and citizen involvement in the development of the Transportation Plan, in accordance with 450.316(b)(1), including involvement in the early stages of Plan development, public comment on the proposed Plan, at least one formal public meeting annually to review planning assumptions and the plan development process

TIP related requirements [450.324 (c)] include:

- Reasonable opportunity for public comment in accordance with the requirements of 450.316(b)(1) and, in nonattainment TMAs, an opportunity for at least one formal public meeting during the TIP development process and provision for public review and comment.

Observations Public Participation: The MPO Public Participation Policy is contained in Rule IX of the State of Rhode Island and Providence Plantations RULES OF PROCEEDURE contained in Chapter 43-35 Section 42-11-10(e)(4) of the General Laws of Rhode Island. The rule outlines the required elements of a public participation policy in several different sections for the UPWP, the RTP and the TIP. The review team also attended a MPO TAC meeting to observe the MPO public participation in action and to discuss the MPO public participation efforts with the TAC members and included this agenda item at the on-site review. A summary of the TAC public meeting is included in Appendix 4.

The MPO goes well beyond the minimum requirements of the Rule IX, conducting travel corridor public workshops, walkable community workshops, TIP development workshops, holding TAC meetings in different parts of the State to encourage attendance and through informal feedback from community members through their TAC representatives. At the TAC meeting, the TAC members discussed examples where public participation impacted planning decisions. The walkable community workshops were a direct result of public input expressing concern over pedestrian safety and availability of sidewalks. In addition to the MPO TIP development workshops, each community is required to hold public meetings on the projects they will submit to the MPO as part of the TIP development process. TAC members felt that

transit users were not as well represented, perhaps because they are not organized as a group to participate in the process even though individuals may have participated in the workshops mentioned above, particularly the Transit and Urban Transportation Focus Group.

In addition to newspaper advertising and press releases, the MPO has a direct mailing list of 400, maintains a web site, www.planning.ri.gov, a monthly e-newsletter and posts information about meetings on the Secretary of State website, created to be a one-stop-source of meeting information for all public bodies in Rhode Island.

Recommendation – Public Participation: While Rule IX satisfies state and minimum federal requirements for a public participation program, the MPO has clearly taken public participation well beyond the “minimum”. The review team recommends that the MPO capture this process in a user friendly, public oriented brochure that could be used to help educate members of the public as to how they can become involved in the MPO’s transportation planning process. An example of such a Public Participation document is the Boston MPO’s “Be Informed, Be Involved”. This information could also then be available on the MPO web site. Note: Prior to the issuance of the final report MPO staff has undertaken data collection for this project and has included this activity in the (FY ’06) Unified Work Program.

Recommendation – Public Participation: Transit users involvement. In cooperation with RIPTA planning staff, explore opportunities for more direct involvement of transit users in RIPTA operations and planning activities. Involvement of the Accessible Transportation Advisory Committee, an EJ Task Force, Elderly and Disabled groups in activities like the workshops mentioned above should be explored. More formal involvement with the Accessible Transportation Committee or EJ groups should also be explored.

Observations - Environmental Justice: Three years ago at the time of the last planning certification review, the MPO had engaged the Providence Plan to assist in the development of an environmental justice evaluation and outreach effort. The EJ populations have been identified and their locations mapped. The MPO has incorporated their Welfare to Work and their affordable housing database and input from the Accessible Transportation Advisory Committee. In addition, over the past 18-24 months as part of their comprehensive planning activities, MPO staff has devoted effort into expanding affordable housing opportunities, an issue of interest to EJ target populations. However, the analysis of the impacts of transportation projects in the RTP and the TIP is still rather rudimentary. The MPO does not have an EJ Task Force to assist in the determination of target areas or criteria for the analysis of projects in terms of benefits or burden to the EJ community. EJ analysis in the RTP consists of the numbers of projects in the EJ community target areas. There has not been involvement of the EJ community in determining if, in fact, these projects are a burden to the neighborhood or a benefit.

Recommendation – Environmental Justice: The MPO needs to include EJ analysis in the planning process at all levels and involve the EJ community in determining measures for analyzing the EJ impacts, benefit or burden, of transportation projects. Evidence of this analysis needs to be incorporated into the next update of the Long Range Transportation Plan.

Recommendation – Environmental Justice: The review team recommends that the MPO develop methods to involve members of the EJ community in determining appropriate criteria for measurement of EJ impacts. This could involve formation of an EJ Task Force or similar group to provide input into development of their program.

Additional measurement criteria might include:

- Average travel time for trips such as work trips, education trips, recreation trips etc.
- Accessibility to transit
- Average walk time or distance to a transit stop/station
- Other criteria identified as important by the EJ community

Other MPOs in the region have also been working with these issues. Boston and Hartford could provide examples of things they have tried.

E. Air Quality Planning/Conformity

The entire State of Rhode Island is a moderate non-attainment area for ozone under the recently effective 8-hour standard. It was a serious non-attainment area for the 1-hour standard. Because the non-attainment area boundaries did not change, the State was able to demonstrate conformity with the new standard well in advance of the June 15, 2005 deadline [40 CFR 109(e)(2)(i)]. The City of Providence is a maintenance area for carbon monoxide. There are no transportation control measures (TCMs) in the State Implementation Plan (SIP). As was the case in previous certification reviews, the Federal team finds that Rhode Island's conformity process has been efficient and effective.

Conformity SIP

Regulatory Basis:

Federal regulations require an agreement between the MPO and any other agency responsible for air quality planning under the Clean Air Act. A single agreement should be executed among the MPO, State, transit operators, and designated air quality regulations "to the extent possible" *23 CFR 450.310 (d)*.

Conformity SIPs are required of non-attainment areas by 40 CFR 51.390. Conformity SIPs contain "criteria and procedures for DOT, MPOs and other State or local agencies to assess the conformity of transportation plans, programs, and projects." Most areas adopt the Federal regulations either verbatim or by reference with the exception of the interagency consultation procedures, which must be tailored to the area.

Observations: Rhode Island prepared the interagency procedures that would form the heart of a conformity SIP as required in 1994 under State Planning Council Rule VIII. This rule is in effect, but was never submitted to EPA as a conformity SIP. However, it does accurately describe the process by which air quality/transportation products are developed.

Because of the frequent changes in the Federal conformity regulations and the acceptability of operating under the Federal rule, EPA Region 1 has not pressed any of the non-attainment areas in New England to adopt conformity SIPs. Recent regulatory changes as well as potential legislative changes may make the submittal of a conformity SIP more desirable.

Recommendation: The Federal team has found that the procedures contained in Rule VIII result in an effective interagency process in analyzing transportation air quality conformity. We recommend that Rule VIII be submitted to EPA.

F. Financial Planning

Regulatory Basis:

The requirements for financial analysis are contained in 23 *CFR* 420.322(b), for the Transportation Plan, and 23 *CFR* 450.324 (e), for the Transportation Improvement Program.

The provisions related to the Transportation Plan include the following requirements:

1. Demonstrates consistency of proposed transportation investments with already available and project sources of revenue
2. Compares estimated revenue from existing and proposed sources that can reasonably be expected to be available to estimated costs of constructing, maintaining, and operating the total transportation system over the period of the plan
3. Describes funding shortfalls by existing revenue source and identifies strategies for ensuring availability of proposed new revenues or revenue source
4. Balances existing and proposed revenues with all forecasted capital, operating, and maintenance costs of the existing and planned transportation system
5. Reflects existing revenues and historical trends
6. For nonattainment/maintenance areas, addresses the specific financial strategies to ensure implementation of required air quality projects (Also see *Air Quality* topic area.)

The provisions related to the TIP include the following requirements:

1. Demonstrates financial constraint by year
2. Includes a financial plan demonstrating which projects can be implemented with current revenue sources and which projects require proposed revenue sources
3. Takes into account the costs of adequately maintaining and operating the existing transportation system
4. Developed by the MPO in cooperation with the State and transit operator
5. Developed with estimates of available federal and state funds provided by the state and transit operator

6. Includes only projects for which construction and operating funds can reasonably be expected to be available
7. Includes strategies for ensuring the availability of new funding sources
8. For the financial analysis, considers all projects funded with Federal, state, local private resources
9. In nonattainment/maintenance areas, only includes projects for which funds are available and committed in the first two years.

Observations:

Given the excessive amount of time that Federal transportation funding has remained uncertain, Rhode Island has appropriately used “level funding” scenarios in estimating future funding in the long-range plan and the STIP currently under development. The most recent update the Long Range Plan includes a very thorough discussion of State transportation program funding. It forthrightly identifies the looming gap between current sources of State funding and the needs for State matching funds, debt service, and highway and transit operational expenses. It includes several options to address the gap such as user fees (tolls), higher gas taxes, redirection of other revenues such as license and registration fees, etc.

Members of the TAC as well as staff at Statewide Planning inquired about perceived differences in fiscal constraint procedures between FHWA and FTA. There is an impression that FTA procedures require more detail and therefore administrative adjustments to the STIP occur more frequently because of slight changes in the transit program. FTA has worked closely with the MPO and RIPTA on maintaining fiscal constraint and making administrative adjustments less burdensome. The MPO’s streamlined STIP amendment procedures have aided in this regard. Some of the perceived differences in procedures may stem from the differences in the way the highway and transit programs are structured. The two agencies are examining bringing fiscal constraint procedures into greater harmony, but given the structural differences of the two programs there will continue to be some differences in procedures.

Commendation: The financial plan in the Rhode Island’s long-range plan is a thorough and forthright discussion of the transportation funding challenges faced by the State.

G. Other Issues

Governor’s Approval Authority: Statewide Planning requested guidance on the regulatory requirement that the Governor approve metropolitan TIPs [23 CFR 450.324(B)]. Specifically, they asked if that authority could be delegated to a cabinet official such as the Director of Administration or the Director of Transportation. They asked for guidance on both approval of the overall STIP and the approval of STIP amendments.

There is no prohibition in the regulations on the Governor’s delegating this authority. The Federal team surveyed colleagues in other States as to what practices were followed. Of the 27

FHWA Division Planners who responded, 23 indicated that the Governor had delegated the approval of metropolitan TIPs, most often to the Secretary or the Director of Transportation (3 reported delegation to a Transportation Commission, and one to another State agency).

Recommendation: In order to streamline the STIP approval and amendment process, we recommend that the Governor delegate authority to approve the initial TIP and/or amendments to either the Director of Transportation or another cabinet official, such as the Director of Administration. A joint delegation to more than one official could also be considered. *Note: Prior to the issuance of the final report MPO staff recommended to the Governor that he delegate approval authority. The outcome of this recommendation is yet to be determined.*

Annual Listing of Projects: The metropolitan planning regulations require the TIP to include a list of major projects from the previous TIP that were implemented or delayed [23 CFR 450.324(n)]. While Rhode Island has done a good job of meeting the requirement of publishing an annual listing of projects for which Federal funds have been obligated [23 USC 134(h)(7)(B)], they have not met the letter of the regulations by including the listing in the TIP.

Required Action: A list of major projects and their implementation status should be included in the TIP to comply with 23 CFR 450.324(n). This should be included in the next update of the two year TIP/STIP.

IV. Conclusions

As a result of this certification review, the Federal Highway Administration and the Federal Transit Administration find that the SPC and its staff (SWPP) in cooperation with the Director of RIDOT and his staff and the General Manager of RIPTA and his staff are conducting a transportation planning process for the Rhode Island portion of the Providence TMA and the State of Rhode Island which produces satisfactory transportation planning products utilizing acceptable planning tools. This process meets the requirements of the Metropolitan Planning Regulations and TEA-21. The MPO staff is also working diligently to meet the requirements of the Air Quality Conformity Regulations as they apply to the Transportation Plan and the Transportation Improvement Program.

Rhode Island's process has received national recognition and the Federal team believes that recognition is well deserved and would like to recognize the efforts of the SPC, RIDOA, RIDOT, RIPTA, and RIDEM to provide the citizens of Rhode Island with comprehensive, balanced, and environmentally responsible plans and programs developed with real and constructive input from the public. The transportation products developed by the current planning process comply with the Federal rules, and the overall efforts of the State agencies appear to make the process work very well. Sustained efforts on the part of all the agencies involved will be required to maintain this process.

APPENDICES

Appendix 1 – Federal Review Team

Ms. Lucy Garliauskas, Division Administrator
Federal Highway Administration, Rhode Island Division

Mr. Andrew Motter, Transportation Planner
Federal Transit Administration, Region 1

Mr. Harlan Miller, Community Planner
Federal Highway Administration, Office of Planning

Mr. Ralph J. Rizzo, Transportation Planner
Federal Highway Administration, Rhode Island Division

Appendix 2 – Participants in the Technical Review Meeting, April 13, 2005

Mr. Robert Griffith	Chair, Rhode Island State Planning Council
Ms. Fran Shocket	Chair, Transportation Advisory Committee
Mr. John O'Brien	Statewide Planning Program
Mr. George Johnson	Statewide Planning Program
Ms. Katherine Trapani	Statewide Planning Program
Mr. Michael Moan	Statewide Planning Program
Mr. Vincent Flood	Statewide Planning Program
Ms. Ronnie Sirota	Statewide Planning Program
Mr. Walter Slocumb	Statewide Planning Program
Mr. Robert Shawver	Rhode Island Department of Transportation
Ms. Diane Badorek	Rhode Island Department of Transportation
Ms. Jo Taylor	Rhode Island Department of Transportation
Ms. Harriet Holbrook	Rhode Island Public Transit Authority
Mr. Mark Therrien	Rhode Island Public Transit Authority
Mr. Philip Nyberg	Central Massachusetts Regional Planning Council
Mr. Paul Mission	Southeast Regional Planning and Economic Development District
Ms. Tina Dolen	Aquidneck Island Planning Commission

Appendix 3 – Agenda for April 2nd Technical Meeting

Certification Review of the Rhode Island Portion of the Providence-Pawtucket TMA

Date: April 13, 2005

Place: Statewide Planning Program
RI Department of Administration
Conference Room B
One Capitol Hill
Providence, RI 02903

Agenda

April 13th

- | | |
|----------|---|
| 8:30 am | Introduction (FTA/FHWA) |
| 8:45 | Overview of the Rhode Island State Planning Council Transportation Planning Process (Statewide Planning) |
| 9:00 | Progress since 2002 Certification Review (FHWA, FTA, Planning, RIDOT, RIPTA) |
| 9:30 | MPO Representation, Coordination, and Consultation (All)
C Tribal Participation
C Bi-State Coordination |
| 10:30 | BREAK |
| 10:45 | Travel Demand Forecasting, Transit Planning, Land Use, Corridor Planning, Functional Class |
| 12:00 pm | LUNCH (on your own) |
| 1:00 | Public Participation and Environmental Justice (All plus TAC) <ul style="list-style-type: none">• Annual Certifications• Walkability Workshops• Domestic Security |
| 2:15 | BREAK |
| 2:30 | Air Quality Planning/Conformity (All, plus RIDEM) |

- 3:00 Financial Planning (All)
- Highway and Transit TIP and LRP Programming
 - Planning for Operations and Maintenance

3:30 ADJOURN

March 24th

6:30 Public Meeting in conjunction with Transportation Advisory Committee Meeting*

* RI Public Transit Authority, 269 Melrose St., Providence

NOTE: The times shown on this agenda is a guide only. Adjustments will be made as necessary to accommodate discussion of the issues

Appendix 4

Summary of Public Meeting

Regarding the Certification of the Rhode Island State Planning Council,
Metropolitan Planning Organization (MPO) for the Rhode Island Portion of the
Providence-Pawtucket Transportation Management Area (TMA)
March 24, 2005

- The meeting was held in conjunction with the regular monthly meeting of the Transportation Advisory Committee (TAC) of the State Planning Council (SPC). The review team solicited comments from TAC members and the general public on the public involvement process of the SPC. No members of the general public made comment, so all remarks summarized here were made by TAC members or SWPP staff.
- In general TAC members in attendance spoke favorably of the increased access to the transportation planning process since the passage of ISTEA in 1991 and the formation of the TAC shortly thereafter. Most felt the breadth and depth of public involvement has only increased since the passage of TEA-21.
- TAC members indicated that they received good support from the staffs of the Statewide Planning Program (SWPP), the Rhode Island Department of Transportation (RIDOT), and the Rhode Island Public Transit Authority (RIPTA). Specifically, they appreciated the explanation of the technical aspects of project design and cost estimation.
- TAC members spoke highly of additional public involvement efforts by SWPP, RIDOT, and RIPTA, particularly the corridor visioning workshops, and the focus groups held for the long range plan update.
- TAC members were able to cite examples where public participation changed their views and/or decisions. Examples included the realization of how important pedestrian facilities are to the public and specific projects that benefited from significant public support (or opposition).
- Other transportation related subcommittees such as the Transportation Enhancement Advisory Committee (TEAC) and the Air Quality and Transportation (CMAQ) subcommittee of the Technical Committee were also cited for their open processes and contributions to development of the TIP.
- It was pointed out that though the State Legislature had passed legislation requiring the appointment of two representatives of the environmental community to the SPC, such members had not been appointed. This was also the case prior to the 2002 certification review.

- Members felt that transit users were not well organized and therefore did not have an effective voice in the MPO decision-making process.
- There was some debate about the effectiveness of the requirement that municipalities obtain public comment on their TIP proposals. Some members felt that local governments did the bare minimum required and did not fulfill the spirit of the rule. Others felt that the local meetings were well attended and lively. All agreed that it probably varies by locality.
- The issue of the timing of public comment during TAC meetings was raised. Currently, all public comment is deferred until the end of the meeting after the agenda has been completed. There was support expressed among TAC members for revisiting that arrangement and having the public comment earlier in the agenda.
- There was also a question about the differences in FHWA and FTA procedures for finding fiscal constraint in the TIP. The commenter felt that the TAC dealt with far more transit amendments that were minor readjustments between funding categories than in the highway program.

Appendix 5 – Desk Review

[Because of the size of this appendix, it is provided as a separate file with the electronic version of this document and available upon request with the paper version.]